

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 617

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO EMERGENCY RESPONSE; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 10, TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 46-1026, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 10, TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 46-1027, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS, DUTIES AND PROCEDURES TO THE MILITARY DIVISION AND THE BUREAU OF HOMELAND SECURITY AND TO PROVIDE FOR LIMITATIONS ON LIABILITY; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to recognize Idaho technical rescue teams, specialty rescue teams, and Idaho incident management and support teams to provide resources that would be unavailable to most communities in Idaho. These teams are local resources that would be available to the state under a disaster declaration. Furthermore, it is the intent of the Legislature that these teams are to work under the authority of the agency having jurisdiction over the area where a response incident occurs. The creation of these teams assists the state in meeting the Federal Emergency Management Agency's strategic goals for disaster preparedness.

SECTION 2. That Chapter 10, Title 46, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 46-1026, Idaho Code, and to read as follows:

46-1026. DEFINITIONS. As used in this section and section 46-1027, Idaho Code, the following terms shall have the following meanings:

(1) "Idaho technical rescue (ITR) teams" means a specialized team or group of teams formed pursuant to this section and section 46-1027, Idaho Code, organized with capabilities established under the federal emergency management agency national resource typing system in order to assist in the removal of trapped victims in emergency situations including, but not limited to, collapsed structures, confined spaces, trench excavations, elevated locations and other technical rescue situations.

(2) "Specialty rescue team (SRT)" means a specialized team, formed pursuant to this section and section 46-1027, Idaho Code, organized to provide technical rescue assistance to supplement and work under first responders and local incident commanders including, but not limited to, cave rescue, mine and tunnel rescue and vehicle/machinery extrication and swift water/flood teams. Such teams shall be aligned with one (1) or more of the categories within the federal emergency management agency's national resource typing system.

(3) "Idaho incident management and support teams (IIMAST)" means a type 3 incident management team, which is a multiagency/multijurisdiction

1 team for extended incidents, formed and managed at the state, regional or
 2 metropolitan level deployed as a team of trained personnel to manage major
 3 and/or complex incidents requiring a significant number of local, regional
 4 and state resources and incidents that extend into multiple operational
 5 periods and require a written incident action plan (IAP) that may be utilized
 6 at all hazard type incidents. These teams may initially manage larger, more
 7 complex incidents prior to arrival of and transition to a type 2 or type 1
 8 incident management team (IMT) under the direction of the agency having the
 9 jurisdiction.

10 (4) "Person" shall have the definition ascribed to it in section
 11 46-1021, Idaho Code.

12 SECTION 3. That Chapter 10, Title 46, Idaho Code, be, and the same is
 13 hereby amended by the addition thereto of a NEW SECTION, to be known and
 14 designated as Section 46-1027, Idaho Code, and to read as follows:

15 46-1027. MILITARY DIVISION -- BUREAU OF HOMELAND SECURITY --
 16 ADDITIONAL POWERS AND DUTIES. (1) The military division through the bureau
 17 of homeland security shall implement the provisions of this section and
 18 section 46-1026, Idaho Code, and in so doing, the military division may:

19 (a) Through the bureau of homeland security, in accordance with the
 20 laws of the state, hire, fix the compensation and prescribe the powers
 21 and duties of such other individuals including consultants, emergency
 22 teams and committees as may be necessary to carry out the provisions of
 23 this section and section 46-1026, Idaho Code.

24 (b) Identify and implement ITR and specialty rescue teams that have
 25 appropriately trained personnel and necessary equipment to respond
 26 to technical rescue incidents and emergency disaster events. The
 27 military division shall enter into a written joint exercise of powers
 28 agreement with each entity or person providing equipment or services to
 29 a designated ITR or specialty rescue team. The teams shall be available
 30 and may respond to technical rescue incidents at the direction of
 31 the military division or its designee. When responding solely at the
 32 direction of the local incident commander, no cost recovery from the
 33 state of Idaho shall be available to ITR teams.

34 (c) Identify and implement an Idaho incident management and support
 35 team (IIMAST) that has appropriately trained personnel to the type 3
 36 level and necessary equipment to respond to all hazard incidents. The
 37 military division shall enter into a joint exercise of powers agreement
 38 with each entity or person providing equipment or services to a
 39 designated IIMAST member. The teams shall be available and may respond
 40 to all hazard incidents at the direction of the military division or its
 41 designee. When responding solely at the direction of the local incident
 42 commander, no cost recovery from the state of Idaho shall be available
 43 to IIMAST teams.

44 (d) Contract with persons to meet state emergency response needs for
 45 the teams and response authorities.

46 (e) Advise, consult and cooperate with agencies of the state and
 47 federal government, other states and their state agencies, cities,
 48 counties, tribal governments and other persons concerned with
 49 technical, rescue and all hazard incident disasters.

1 (f) Encourage, participate in or conduct studies, investigations,
2 training, research and demonstrations for and with Idaho technical
3 rescue (ITR) teams, specialty rescue teams (SRT), Idaho incident
4 management and support teams (IIMAST), local emergency response
5 authorities and other interested persons.

6 (g) Collect and disseminate information relating to emergency response
7 to technical rescue related events and all hazards incident disasters.

8 (h) Accept and administer loans, grants or other funds or gifts,
9 conditional or otherwise, made to the state for emergency response
10 activities provided for in this section and section 46-1026, Idaho
11 Code.

12 (i) Submit an annual report prior to February 1 to the governor and
13 to the legislature concerning emergency response to technical rescue
14 related events and disasters.

15 (2) The military division through the bureau of homeland security shall
16 have authority to promulgate rules and provide procedures to:

17 (a) Govern reimbursement of claims pursuant to this section when a
18 disaster has been declared pursuant to chapter 10, title 46, Idaho Code.

19 (b) Provide for credentialing of Idaho technical rescue (ITR) teams,
20 specialty rescue teams (SRT), and Idaho incident management and support
21 teams (IIMAST) and for the identification and operation of all teams
22 established pursuant to this section and section 46-1026, Idaho Code,
23 and in accordance with the national incident management system, the
24 national response plan and nationally recognized standards.

25 (c) Establish a credentialing program to review and evaluate new and
26 existing local and regional technical rescue capabilities and provide
27 recommendations for capability enhancement in accordance with the
28 national incident management system, the national response plan and
29 nationally recognized standards.

30 (3) Consistent with the provisions of subsections (4) and (5) of this
31 section the state of Idaho shall be liable for the acts or omissions of
32 the Idaho technical rescue (ITR), specialty rescue teams (SRT) and Idaho
33 incident management and support (IIMAST) teams responding to a technical
34 rescue or all hazard incidents as a management team and the designating or
35 requesting city or county shall be liable for the acts or omissions of a local
36 emergency response authority responding to a technical rescue incident
37 within its jurisdiction.

38 (4) Notwithstanding any other provision of law to the contrary, any
39 Idaho technical rescue (ITR) team, specialty rescue team (SRT), Idaho
40 incident management and support team (IIMAST), local emergency response
41 authority or other person or group of persons who respond to a technical
42 rescue incident or all hazard incidents as a management team at the request
43 of an incident commander shall not be subject to civil liability for
44 assistance or advice, except as provided in subsection (5) of this section.

45 (5) The exemption from civil liability provided in this section shall
46 not apply to an act or omission that caused, in whole or in part, such
47 technical rescue or all hazard incident management response to a person who
48 may otherwise be liable therefor or any person who has acted in a grossly
49 negligent, reckless or intentional manner.

1 (6) Nothing in this section shall be construed to abrogate the immunity
2 granted to governmental entities pursuant to chapter 9, title 6, Idaho Code.

3 SECTION 4. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after its
5 passage and approval.